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Attorneys for Plaintiff
CRAIG YATES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES, an individual,

Plaintiff,

V.

MANGOSTEEN; WBCMT 2007-C31
BUCHANAN STREET, LTD; and PHILIP
TRI NGUYEN, an individual dba
MANGOSTEEN,

Defendants.

CASE NO. CV-10-3747-RS

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE PLAINTIFF'S LEAVE TO
AMEND THE COMPLAINT**

Plaintiff CRAIG YATES, an individual, and Defendants WBCMT 2007-C31

BUCHANAN STREET, LTD; and PHILIP TRI NGUYEN, an individual dba MANGOSTEEN,
by and through the parties respective counsel in the above-mentioned case hereby make the
following stipulation:

1. **Whereas**, defendant PHILIP TRI NGUYEN, an individual dba MANGOSTEEN is the tenant and previously filed his answer to plaintiff's complaint on November 15, 2010; and

2. **Whereas**, the original landlord, defendant CITI PROPERTIES DE LLC, a Delaware limited liability company was foreclosed upon by defendant WBCMT 2007-C31 BUCHANAN STREET, LTD, who became the second landlord in this litigation; and

3. **Whereas**, plaintiff CRAIG YATES and defendant WBCMT 2007-C31 BUCHANAN STREET, LTD have reached a monetary settlement agreement regarding the above-captioned matter, and dismissal papers will be filed shortly between plaintiff and defendant WBCMT 2007-C31 BUCHANAN STREET, LTD; and

4. **Whereas**, defendant WBCMT 2007-C31 BUCHANAN STREET, LTD sold the property to AP SF 601 Larkin LLC before the equitable relief could be addressed; and

5. **Whereas**, AP SF 601 Larkin LLC is now the current landlord and is jointly and severally liable for the removal of barriers with its tenant, defendant PHILIP TRI NGUYEN, an individual dba MANGOSTEEN; and

6. **Whereas**, plaintiff CRAIG YATES encountered barriers on July 4, 2011, August 1, 2011 and August 27, 2011, while AP SF 601 Larkin LLC owned the property; and

7. **Whereas**, plaintiff seeks to prosecute his action against AP SF 601 Larkin LLC for injunctive relief and monetary damages.

IT'S STIPULATED and requested that plaintiff CRAIG YATES be permitted to file a Second Amended Complaint naming "AP SF 601 Larkin LLC" as a defendant in the above-captioned matter.

Respectfully Submitted,

Dated: October 10, 2011

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

By: /s/Thomas E. Frankovich
Thomas E. Frankovich
Attorneys for Plaintiff CRAIG YATES, an individual

Dated: October 10, 2011

JASON G. GONG,
LIVINGSTON LAW FIRM

By: /s/Jason G. Gong
Jason G. Gong
Attorneys for Defendant PHILIP TRI NGUYEN, an individual dba MANGOSTEEN

1 Dated: 10/10, 2011

PHILIPPE A. TOUDIC,
DUANE MORRIS LLP

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3
4 By: 

Philippe A. Toudic

Attorneys for Defendant WBCMT 2007-C31 BUCHANAN
STREET, LTD

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6
7 **ORDER**

8 Pursuant to the parties' stipulation, **IT IS ORDERED** that plaintiff may file a Second
9 Amended Complaint to name AP SF 601 Larkin LLC as a defendant and that the answer
10 previously filed by defendant PHILIP TRI NGUYEN, an individual dba MANGOSTEEN on
11 November 15, 2010, may serve as defendant's answer to the Second Amended Complaint.

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13 Dated: October 11,, 2011



Honorable Richard Seeborg
UNITED STATES DISTRICT JUDGE